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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA AND DOES 1-25,

Defendants.

Case No. 5:07-CV-01389-RS

FACEBOOK'S ADMINISTRATIVE REQUEST PURSUANT TO LOCAL CIVIL RULE 79-5(B) & (D) TO FILE UNDER SEAL THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF FACEBOOK'S MOTION TO COMPEL PACIFIC NORTHWEST SOFTWARE AND WINSTON WILLIAMS TO PROVIDE COMPLETE AND SUPPLEMENTAL RESPONSES TO FACEBOOK'S FIRST SET OF INTERROGATORIES NOS. 3 AND 4 AND EXHIBITS F, G, AND H TO THE DECLARATION OF THERESA A. SUTTON IN SUPPORT OF FACEBOOK'S MOTION TO COMPEL

Date: November 28, 2007
Time: 9:30 a.m.
Judge: Honorable Richard Seeborg

Dockets.Justia.com

Pursuant to Civil L.R. 7-11 and 79-5 (d), Facebook respectfully submits this administrative request asking the Court to file under seal the Memorandum Of Points And Authorities In Support Of Facebook's Motion To Compel Pacific Northwest Software And Winston Williams To Provide Complete And Supplemental Responses To Facebook's First Set Of Interrogatories Nos. 3 And 4 and Exhibits F, G, and H To the Declaration of Theresa A. Sutton In Support of Facebook's Motion To Compel.

The parties entered into, and the California Superior Court issued, a Stipulated Protective Order on January 23, 2006, which prohibits either party from filing in the public record any documents that have been designated as "Confidential" or "Highly Confidential" pursuant to the Protective Order.

The Memorandum Of Points And Authorities In Support Of Facebook's Motion To Compel Pacific Northwest Software And Winston Williams To Provide Complete And Supplemental Responses To Facebook's First Set Of Interrogatories Nos. 3 And 4 contains direct quotes from the deposition of Winston Williams taken on June 19, 2007. The deposition testimony has been marked Confidential by Winston Williams pursuant to the Protective Order entered in this matter, and hence portions of the Memorandum Of Points And Authorities In Support Of Facebook's Motion To Compel Pacific Northwest Software And Winston Williams To Provide Complete And Supplemental Responses To Facebook's First Set Of Interrogatories Nos. 3 And 4 is subject to Local Civil Rule 79-5(d). Facebook takes no position as to whether the excerpts from the deposition testimony of Winston Williams referred to in the Memorandum of Points and Authorities in Support of Facebook's Motion to Compel is confidential.

Exhibit F to the Declaration of Theresa A. Sutton filed in Support of Facebook's Motion To Compel Pacific Northwest Software And Winston Williams To Provide Complete And Supplemental Responses To Facebook's First Set Of Interrogatories Nos. 3 And 4 is a copy of relevant excerpts from Winston Williams' June 19, 2007 deposition. The deposition testimony has been marked Confidential by Winston Williams pursuant to the Protective Order entered in this matter, and hence is subject to Local Civil Rule 79-5(d). Facebook takes no position as to whether the deposition testimony of Winston Williams is confidential.

Exhibit G to the Declaration of Theresa A. Sutton filed in Support of Facebook's Motion To Compel Pacific Northwest Software And Winston Williams To Provide Complete And Supplemental Responses To Facebook's First Set Of Interrogatories Nos. 3 And 4 is a copy of a relevant exhibit from ConnectU's production. This document has been marked Confidential by ConnectU pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). Facebook takes no position as to whether this document is confidential.

Exhibit H to the Declaration of Theresa A. Sutton filed in Support of Facebook's Motion To Compel Pacific Northwest Software And Winston Williams To Provide Complete And Supplemental Responses To Facebook's First Set Of Interrogatories Nos. 3 And 4 is a copy of a relevant exhibit from PNS' production. This document has been marked Confidential by PNS pursuant to the Protective Order entered in that matter, and hence is subject to Local Civil Rule 79-5(d). Facebook takes no position as to whether this document is confidential.

Dated: October 17, 2007

Orrick, Herrington & Sutcliffe LLP

/s/ Yvonne P. Greer /s/

Yvonne P. Greer
Attorneys for Plaintiffs
FACEBOOK, INC. AND MARK ZUCKERBERG

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 17, 2007.

Dated: October 17, 2007.

Respectfully submitted,

/s/ Yvonne P. Greer /s/

Yvonne P. Greer